

UNITED STATES BANKRUPTCY COURT
Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South Tenth Street, Fourth Floor
St. Louis, MO 63102

In re:
Nicole L VanHook

Case No.: 23-42571 – A659
Chapter: 13

Debtor(s)

PRE-CONFIRMATION ORDER AND NOTICE OF DISMISSAL

TO: ALL CREDITORS AND PARTIES IN INTEREST

PLEASE TAKE NOTE: THIS CASE IS BEFORE THE COURT FOR DISMISSAL FOR THE REASON(S) IDENTIFIED BY ☒ BELOW.

The Debtor(s):

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(b).
- ☐ failed to file ☐ a Chapter 13 Plan; ☐ one or more Schedules and/or Statement of Affairs; ☐ a Matrix and/or Verification of Matrix in the proper form and within the time permitted; ☐ a Statement of Current Monthly Income/Disposable Income Calculation Form (B122); ☐ a Credit Counseling Certificate indicating compliance with 11 U.S.C. § 109(h)(1), a Certification of Exigent Circumstances, or a Motion for Exemption from Credit Counseling under § 109(h)(4); or ☐ Debtor(s) failed to provide Social Security Number or B121 Form(s) within the time permitted; ☐ Debtor's attorney failed to file a Rule 2016(b) Disclosure of Compensation; and/or ☐ . The Court advised the Debtor(s) and Debtor's attorney that failure to file these documents properly within the time specified would result in dismissal of the case.
- ☐ failed to appear at the meeting of creditors and failed to obtain the Chapter 13 Trustee's consent to a further continued date. The Chapter 13 Trustee has certified that the Debtor(s) was notified that failure to appear at the continued hearing would result in dismissal of the case.
- ☐ failed to provide ☐ tax documents to the Trustee in accordance with §521(e)(2)(B) and orders of this Court; and/or ☐ payment advices to the Trustee in accordance with the § 521(a)(1)(B)(iv) and orders of this Court.
- ☐ failed to pay the appropriate filing fee; failed to file a proper Application to Pay Filing Fees in Installments at the time the petition was filed or within such additional time allowed, LR 1002 A.; or failed to pay the filing fee on the terms set forth in the Order Approving Installment Fee Application previously entered in this case.

The Chapter 13 Trustee:

- ☒ moved in writing or at a hearing, orally requested dismissal of this case in accordance with ☐ 11 U.S.C. § 1307(c)(1) for unreasonable delay; ☐ § 1307(c)(2) for nonpayment of fees under chapter 123 of title 28; ☒ § 1307(c)(4) for failure to commence making plan payments; ☐ § 1307(c)(5) for denial of confirmation of a plan and denial of request for additional time for filing another plan or modification; ☐ § 1307(c)(11) for failure to pay domestic support obligations; ☐ § 1307(e) for failure to file taxes required under § 1308; ☐ for abuse of the bankruptcy process; ☐ for Debtor(s)' failure to turn over the tax return(s); and/or ☐ for Debtor(s)' failure to comply with a Court order, and after notice and hearing;

A Party in Interest

- ☐ other than the Chapter 13 Trustee, moved to dismiss this case ☐ for cause in accordance with 11 U.S.C. § 1307(c); ☐ for failure to comply with a Court order; ☐ for failure to provide tax documents in accordance with § 521(e)(2)(C) and orders of this Court, ☐ for failure to pay any domestic support obligations that first became payable after the date of the filing of the petition in accordance with § 1307(c)(11); and/or ☐ for other abuse of the bankruptcy process, as more fully stated in the written motion, and after notice and hearing;

The Missouri Department of Revenue

- ☐ moved to dismiss this case in accordance with 11 U.S.C. § 1307(c)(1) for unreasonable delay in filing tax return(s), and the Debtor(s) have failed to respond to the motion, or after notice and hearing;

The Court

- ☐ on its own motion or show cause, moved to dismiss this case under 11 U.S.C. § 105(a) for failure to comply with a Court order and/or for abuse of the bankruptcy process.

Other Reason(s) for Dismissal:

☐

ACCORDINGLY,

IT IS ORDERED for the reasons set forth in the motion or on the record at hearing, if any, the Motion to Dismiss identified in this Order and Notice is **GRANTED**, and this Chapter 13 case is **DISMISSED** prior to entry of an order of discharge.

IT IS FURTHER ORDERED Debtor(s)' employer(s) is/are directed to cease withholding from Debtor(s)' wages in respect to this Chapter 13 case, and this Court's Order to Deduct from Wages or Other Income is hereby terminated.

IT IS FURTHER ORDERED ANY PARTY OTHER THAN THE CHAPTER 13 TRUSTEE, WHO SEEKS PAYMENT FOR ANY CLAIM UNDER 11 U.S.C. § 503(b), SHALL HAVE 14 DAYS FROM THE DATE OF THIS ORDER WITHIN WHICH TO FILE AN APPLICATION FOR ALLOWANCE OF AN ADMINISTRATIVE EXPENSE CLAIM. Any party seeking payment shall serve such application on the Debtor(s) and Chapter 13 Trustee. Compensation to the Chapter 13 Trustee and payment of fees due this Court shall be awarded as specified herein without application.

IT IS FURTHER ORDERED Any application for payment of attorneys' fees by counsel who have elected the flat fee option must include: (1) a general description of the services performed and the amount of fees and costs requested (detailed time entries are not required); (2) the case number, chapter, and date of filing for all prior cases filed by the Debtor(s); and (3) a statement explaining the reason for dismissal of any case filed within three years of the date of this case.

IT IS FURTHER ORDERED that the Chapter 13 Trustee, shall pay the unpaid portion, if any, of the filing fee due the Court for this case, and then shall pay, pro rata, other claims allowed under 11 U.S.C. § 503(b). After paying such claims, the Trustee is directed to return any remaining funds to the Debtor(s) or as otherwise may be ordered. Any pre-confirmation disbursements made by the Chapter 13 Trustee prior to the entry of this Order are allowed and approved by the Court.

- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(1) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order pursuant to In re Montgomery, 37 F.3d 413 (8th Cir. 1994).
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed under U.S.C. § 109(g)(2) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that this case is dismissed with prejudice under 11 U.S.C. § 105(a) and the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of entry of this order.
- ☐ **IT IS FURTHER ORDERED** that since the Debtor(s) owe(s) \$ for the filing fee in this case, the Debtor(s) **MUST PAY THIS AMOUNT TO THE COURT WITHIN FIVE BUSINESS DAYS FOLLOWING THE ENTRY OF THIS ORDER.** If the Debtor(s) fail(s) to pay the amount owed to the Court within five business days, the Debtor(s) is/are prohibited from filing a petition under Title 11 of the United States Bankruptcy Code for 180 days following the date of dismissal. If the Debtor(s) file(s) a subsequent bankruptcy case while prior filing fees remain outstanding, the Court will ordinarily deny any Application to Pay Filing Fees in Installments in the subsequent case.

Certificate of Notice Pg 3 of 6

IT IS FURTHER ORDERED that the automatic stays of 11 U.S.C. § 362 are hereby terminated, AND ANY MATTERS NOT PREVIOUSLY DISPOSED OF ARE DENIED AS MOOT ON THE FILING OF THE CHAPTER 13 TRUSTEE'S FINAL REPORT. The Chapter 13 Trustee is directed to promptly file their final report and upon so doing is discharged as Trustee and is relieved of and discharged from their bond.

Handwritten signature of Kathy A. Surnoff-States in black ink.

U.S. Bankruptcy Judge

Dated: 9/7/23
St. Louis, Missouri
Rev. 07/23 preconfo

United States Bankruptcy Court
Eastern District of Missouri

In re:
Nicole L VanHook
Debtor

Case No. 23-42571-kss
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0865-4
Date Rcvd: Sep 07, 2023

User: admin
Form ID: preconfo

Page 1 of 3
Total Noticed: 49

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2023:

Recip ID	Recipient Name and Address
db	+ Nicole L VanHook, 1500 Bredell Ave, Saint Louis, MO 63117-2111
25401481	+ Ainsworth Ferguson et al, c/o Jeremy d Hollingshead, 7777 Bonhomme Ave, Ste 2401, Saint Louis, MO 63105-1931
25401483	+ Barbara Caciolo MD, 3185 Hampton, Saint Louis, MO 63139-2338
25401490	+ Caylee Fowler et al, c/o Brent Asumner, 7777 Bonhomme Ave, Ste 2100, Saint Louis, MO 63105-1931
25401492	+ Cigna Health, PO Box 30028, Tampa, FL 33630-3028
25401494	+ Credit One Bank, PO Box 98972, Las Vegas, NV 89193-8972
25401495	+ Cynthia Fantroy, 15410 Jost Estates, Florissant, MO 63034-2272
25401501	+ First Book Investments, c/o Randall Gusdorf, 9666 Olive Blvd, Ste 211, Saint Louis, MO 63132-3012
25401502	+ First Data Global Leasing, PO Box 173845, Denver, CO 80217-3845
25401503	+ Florissant Hills Business Center LLC, 1103 E Broadway, Columbia, MO 65201-4955
25401504	Gelco Casualty Company, 4295 Ocmulgee East Boulevard, Macon, GA 31201
25401508	+ Juanita Bell, c/o Herman L Jimerson, 225 South Meramec, Ste 508, Saint Louis, MO 63105-3511
25401510	+ Macy's, 685 Market St, San Francisco, CA 94105-4200
25401514	+ Navient, 300 Continental Dr, Newark, DE 19713-4322
25402018	#+ Prime 55 Restaurant, Attn. Payroll Department, 1223 Waldron Ave, University City, MO 63130-1846
25401519	+ Quest Diagnostic, PO Box 33720, Detroit, MI 48232-3720
25401520	+ Rapid Financial, 4500 E West Hwy, 6th Floor, Bethesda, MD 20814-3327

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
25401484	Email/Text: rcnbr@bjc.org	Sep 07 2023 22:29:00	Barnes Jewish, One Barnes Jewish Hospital Plaza, Saint Louis, MO 63110
25401482	+ EDI: BANKAMER.COM	Sep 08 2023 02:27:00	Bank of America, PO Box 31785, Tampa, FL 33631-3785
25401491	+ Email/Text: bankruptcynotices@cbecompanies.com	Sep 07 2023 22:29:00	CBE Group, 1309 Technology Pkwy, Cedar Falls, IA 50613-6976
25401489	+ EDI: CAPITALONE.COM	Sep 08 2023 02:27:00	Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
25405472	EDI: CAPITALONE.COM	Sep 08 2023 02:27:00	Capital One N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
25401493	+ EDI: WFNNB.COM	Sep 08 2023 02:27:00	Comenity Bank/Buckle, PO Box 182789, Columbus, OH 43218-2789
25401496	+ EDI: DIRECTV.COM	Sep 08 2023 02:27:00	Direct TV, PO Box 5007, Carol Stream, IL 60197-5007
25401505	+ Email/PDF: OGCRRegionVIIBankruptcy@hud.gov	Sep 07 2023 22:30:35	HUD, 451 7th Street SW, Washington, DC

District/off: 0865-4

User: admin

Page 2 of 3

Date Rcvd: Sep 07, 2023

Form ID: preconfo

Total Noticed: 49

			20410-0002
25401506	+ Email/Text: HWIBankruptcy@hunterwarfield.com	Sep 07 2023 22:29:00	Hunter Warfield, 4620 Woodland Corporate Blvd, Tampa, FL 33614-2415
25401507	+ EDI: IRS.COM	Sep 08 2023 02:27:00	IRS, PO Box 7346, Insolvency Unit, Philadelphia, PA 19101-7346
25406149	Email/PDF: resurgentbknotifications@resurgent.com	Sep 07 2023 22:30:27	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
25401509	Email/Text: camanagement@mtb.com	Sep 07 2023 22:29:00	M & T Bank, One M & T Plaza, Buffalo, NY 14203-2399
25416013	Email/Text: camanagement@mtb.com	Sep 07 2023 22:29:00	M&T Bank, PO Box 840, Buffalo, NY 14240-0840
25401513	Email/Text: bkresearch@stlmsd.com	Sep 07 2023 22:29:00	MSD, 2350 Market St, Saint Louis, MO 63103
25401497	Email/Text: bankruptcy@labor.mo.gov	Sep 07 2023 22:29:00	Division of Employment Security, 421 East Dunklin St, PO Box 3100, Jefferson City, MO 65102
25401587	+ Email/Text: ecfnofices@dor.mo.gov	Sep 07 2023 22:29:00	Missouri Department of Revenue, PO Box 475, 301 W High St, Jefferson City MO 65101-1517
25401512	+ Email/Text: ecfnofices@dor.mo.gov	Sep 07 2023 22:29:00	Missouri Dept of Revenue, 301 W High St, Jefferson City, MO 65101-1517
25401511	+ Email/Text: ecfnofices@dor.mo.gov	Sep 07 2023 22:29:00	Missouri Dept of Revenue, Taxation Division, PO Box 385, Jefferson City, MO 65105-0385
25401515	+ Email/Text: netcreditbnc@enova.com	Sep 07 2023 22:29:36	NC Financial, 175 W Jackson Blvd, Ste 1000, Chicago, IL 60604-2863
25401516	Email/Text: OACSTEAM@na.firstsource.com	Sep 07 2023 22:29:00	One Advantage, 7650 Magna Dr, Belleville, IL 62223
25401517	EDI: PRA.COM	Sep 08 2023 02:27:00	Portfolio Recovery, 140 Corporate Blvd, Norfolk, VA 23502
25401518	^ MEBN	Sep 07 2023 22:25:38	Progressive, c/o Receivable Mgmt Svcs LLC, 240 Emery St, Bethlehem, PA 18015-1980
25405651	+ Email/Text: enotifications@santanderconsumerusa.com	Sep 07 2023 22:29:00	SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
25401523	EDI: AISSPRINT	Sep 08 2023 02:27:00	Sprint, PO Box 4191, Carol Stream, IL 60197
25401522	Email/Text: heather.morgan@ssmhealth.com	Sep 07 2023 22:29:00	Slu Care, PO Box 18353M, Saint Louis, MO 63195
25401524	+ Email/Text: bankruptcynotifications@ssmhealth.com	Sep 07 2023 22:29:00	SSM Health, 1145 Corporate Lake Dr, Saint Louis, MO 63132-2907
25401525	Email/Text: BankruptcyFiling@stlouisco.com	Sep 07 2023 22:29:00	St Louis County Collector of Revenue, 41 South Central Ave, Saint Louis, MO 63105
25401521	+ Email/Text: enotifications@santanderconsumerusa.com	Sep 07 2023 22:29:00	Santander Consumer USA, Attn: Bankruptcy, PO Box 961245, Fort Worth, TX 76161-0244
25401526	+ Email/Text: sweeks@tauc.com	Sep 07 2023 22:29:00	Total Access Urgent Care, 13861 Manchester Rd, Ballwin, MO 63011-4503
25401527	+ Email/Text: usamoe.bankruptcy.filings@usdoj.gov	Sep 07 2023 22:29:00	United States Attorney, 111 South 10th St, 20th Floor, Saint Louis, MO 63102
25402137	Email/PDF: OGCRegionVIIBankruptcy@hud.gov	Sep 07 2023 22:30:35	U.S. Department of Housing and Urban Development, 400 State Avenue, Gateway Tower, Suite 5, Kansas City, KS 66101
25401528	+ EDI: BLUESTEM	Sep 08 2023 02:27:00	WebBank/Fingerhut, 6250 Ridgewood Dr, Saint Cloud, MN 56303-0820

TOTAL: 32

District/off: 0865-4

User: admin

Page 3 of 3

Date Rcvd: Sep 07, 2023

Form ID: preconfo

Total Noticed: 49

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
25401485		Better Days Entertainment LLC
25401486		Better Days Entertainment, LLC
25401487		Better Days Entertainment, LLC
25401488		Better Days Entetainment LLC
25401499		Ebony Beatle
25401500		Ebony Beattle-Benson
25401498	*P++	MISSOURI DIVISION OF EMPLOYMENT SECURITY, ATTN COLLECTIONS, P O BOX 59, JEFFERSON CITY MO 65104-0059, address filed with court:, Division of Employment Security, 421 East Dunklin St, PO Box 3100, Jefferson City, MO 65102

TOTAL: 6 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 09, 2023

Signature: /s/Gustava Winters**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 7, 2023 at the address(es) listed below:

Name	Email Address
Diana S. Daugherty	standing_trustee@ch13stl.com trust33@ch13stl.com
Office of US Trustee	USTPRegion13.SL.ECF@USDOJ.gov
Wendee Noel Elliott-Clement	on behalf of Creditor Lakeview Loan Servicing LLC, by M&T Bank moedbknotices@southlaw.com, ksbkecf@ecf.courtdrive.com
William H. Ridings, Jr.	on behalf of Debtor Nicole L VanHook ridingslaw2003@yahoo.com

TOTAL: 4